



Network Enforcement Act Report: July - December 2022

1. Information on the general efforts to prevent illegal actions

General explanations of the efforts made by the social network provider to prevent criminal acts on the platforms.

At SoundCloud we go to great lengths to ensure our platform is free from illegal content. From the moment a user signs up to use SoundCloud they are required to agree to our [Terms of Use](#) and [Community Guidelines](#) (together the “Terms”). Our Terms clearly state that users are not permitted to upload any illegal content or content that violates these Terms.

As a further means of restricting the actions of potential bad actors, it’s not possible for users to upload audio content or send messages or comments without first confirming their email address. We also ensure that most email addresses from ‘throw away’ email providers are blocked from signing up to the platform. These measures help ensure that users of the platform are genuine actors and guards against those attempting to spread illegal content with anonymity.

In the event that users chose to upload content in violation of our Terms, report forms are available on the platform. These enable people to report any content for review, leading to removal where necessary.

We continue working successfully with a third party organization to flag illegal and hateful content to us that has been uploaded to SoundCloud. We initiated the first steps to expand this cooperation.

2. Proactive measures

Type, basic functionality and scope of any procedures used to automatically identify content that is to be removed or blocked, including general information on the training data used and the review of the results of these procedures by the provider, as well as information on the extent to which scientific circles and research are supported in the evaluation of these procedures and they have been granted access to information from the provider for this purpose.

At SoundCloud, we look to take proactive measures in the detection and prevention of harmful content where possible. This currently entails limitations on the profile names, urls and profile

descriptions used on the platform. We ensure that terms considered unequivocally to be a violation of our Terms and Strafgesetzbuch ‘StGB’ would be prohibited from use in profile names etc. on SoundCloud the platform. This limitation is derived from a database populated by terms identified by the SoundCloud Trust & Safety Team. The systems behind this feature are maintained by engineering teams within SoundCloud and they do not utilize any scientific evaluation, nor are these systems trained in any sense. All terms used are manually entered into the database and then used to match with violative profiles. At the point that a user attempts to either sign up with a new profile name or changes an existing profile name, a call will be made to this database to ensure that none of the specified terms are being used. When matches to terms in the database are discovered, the profile attempting to use the term will be automatically suspended from the platform.

We are looking to expand these or similar systems to also be used to detect violative words and terms used in track names, playlist names and comments.

3. Our complaint procedure and decision-making process

Description of the mechanisms for submitting complaints about illegal content, description of the decision-making criteria for the removal and blocking of illegal content and description of the examination procedure, including the order of examination as to whether illegal content is present or whether contractual regulations between provider and user are being violated.

We have developed and implemented a robust procedure for dealing with complaints regarding illegal content or other content that violates our Terms.

The following resources are available to help users decide if content should be reported as a violation:

- [Terms of Use](#)
- [Community Guidelines](#)
- [Help Center articles](#)
- [German Criminal Code/Deutsches Strafgesetzbuch, ‘StGB’](#)

3a. Complaint mechanisms

If someone believes content found on SoundCloud to be unlawful under one or more of the German Criminal Code provisions covered by the Network Enforcement Act (“NetzDG”), they can report it by using the dedicated report form in our help center (“NetzDG Complaint”). This has been available for all users wishing to file a NetzDG Complaint since January 1, 2018.

A comprehensive re-working of our reporting process is due to be completed in early 2023, providing a much more streamlined and unified approach to reporting content across all SoundCloud apps and the website (“SoundCloud Platform”). However, users wishing to file a NetzDG Complaint, will currently have a different experience depending on the manner in which

they access the SoundCloud Platform. Until the rollout of the new streamlined complaint procedure, this is structured as follows:

Website (soundcloud.com):

Report Buttons

On the SoundCloud website a report button is available on profiles, tracks and messages, clicking on this will allow a user to begin the complaint procedure. Upon clicking on a button several different reporting categories are listed in a pop up form. These vary based on the location of the report button but example reporting categories include, Copyright infringement, Privacy violation, Pornographic content, Abuse, Hate speech, Illegal content, Content appears on wrong profile & Other. The user can select the category that most clearly applies to their complaint, which will in turn take them to the help center page related to this category. The help center page will provide further information and education on this topic. Once in the help center, the option to file a ticket is now also presented in a menu displayed on the right hand side of the screen. Here options to “Report a violation” or “Report a legal issue” are clearly displayed. A specific NetzDG reporting form is available when selecting “Report a legal issue”. Once “Report a legal issue” is selected, further options to refine your report are presented under the field “What is the nature of your request?”, to report a NetzDG Complaint the option “Inhalte gemäß dem Netzwerkdurchsetzungsgesetz (NetzDG) melden” must be selected. However, any relevant complaints received from German users via the “report a violation” option are also factored into our transparency reporting for NetzDG.

When filing a complaint using the abovementioned NetzDG reporting option, the following information is required from the user:

- Their email address
- A Subject Header
- A Description (details of the request)
- A URL for the reported content

In addition to the above, the user must answer the question ‘What is the nature of your request?’ by indicating which Criminal Code section applies to their complaint from the below list:

- Incitement to hatred
- Child pornography
- Dissemination of propaganda material/using symbols of unconstitutional organizations
- Preparation of/encouraging commission of a serious violent offense endangering the state
- Threatening to commit offenses
- Forming of a criminal or terrorist organization
- Rewarding and approving of offenses
- Forgery of data intended to provide proof
- Treasonous forgery
- Reporting defamation
- Reporting pornographic content
- Reporting incitement or promotion of violence
- Reporting extremism and illegal content

There is also an option to include an attachment to the complaint.

Once the form is complete, the user must click 'submit' to ensure the complaint is sent to our team for further processing. All complaints are received by our Trust & Safety Team with further details around this listed in the below section "Complaint Review Process".

Legal Pages

As an alternative to reporting content from a report button via a profile, track or message, a link to our help center and the reporting options held within can also be found via our legal pages. These are accessed by clicking the three dots found in the top right hand corner of the web page and selecting the option "Legal", linking to our legal pages. Once the legal pages have been accessed an option to "Report illegal content" is found on the menu on the right hand side of the page, this links a user to a dedicated area in our help center where the aforementioned reporting options are also found.

Android:

Within the SoundCloud Android app report buttons are available on profiles, tracks, and messages. These reporting buttons work similarly to those on the website. However, when a report button is used in the Android app, instead of asking for a reporting category in the app, the user is taken immediately to the help center where they are asked to refine their reason for the complaint. Here there are multiple options with a dedicated "Reporting under the Network Enforcement Act/Netzwerkdurchsetzungsgesetz (NETZDG)" option. Once this category has been selected the user is taken to a dedicated page where further information is given. The option to "File a ticket" is clearly visible and located at the bottom of the page, clicking this bring up the same menu as previously mentioned where users can select "Report a legal issue" and "Inhalte gemäß dem Netzwerkdurchsetzungsgesetz (NetzDG) melden".

Once here, the same information is required from users as when navigated to from the website. Again, once the form is complete, the user must click 'submit' to ensure the complaint is sent to our team for further processing.

iOS:

Within the SoundCloud iOS app, report buttons are available on tracks. These report buttons allow a user to submit a complaint on the grounds of Terms violations. However, where a Terms violation is reported by a German user and has a corresponding German Criminal Code provision, these complaints will be factored into our transparency reporting for NetzDG.

In order to report a track via the iOS app, a user must select the three dots next to the track in question. This is displayed either to the right hand side of the track when appearing in a list, or at the bottom of the track page. This opens a menu of different options, one of which is "Report". Once a user has selected report, they are prompted to provide the following information:

- Reason
 - Privacy violation
 - Pornographic content

- Abuse
- Hate Speech
- Extremist content
- I don't like this track

- Description

- describe why you want to report the track with at least 30 characters.

Once these fields have been filled out the complaint has been completed and can be submitted. Submissions are received by our Trust & Safety Team in the same manner as reports generated via the website or Android app.

3b. Complaint review process

Once received, all NetzDG Complaints are delivered as emails in our CRM tool and assigned a support ticket number. These support tickets are then prioritized and routed to the Trust & Safety Team for review. Dealing with complaints under NetzDG as support tickets allows us to engage further with the complainant where details remain ambiguous following the initial report.

In addition to NetzDG Complaints, any content reported as violating specific sections of our Terms follows the same process prior to review by the Trust & Safety Team. Where such a report is received from a German user (registered or unregistered) and the Terms violation has a basis in German Law (German Criminal Code/Deutsches Strafgesetzbuch, 'StGB') the report will be included in our transparency reporting for NetzDG.

These complaints are reviewed by our Trust & Safety Team, either internally by the teams based in our New York and Berlin offices or by our third party content moderators.

Our third party content moderators act as a first level of review and as such, all complaints received in the manner described above will initially be routed for their review.

Both the internal team and our third party content moderators review reported content against our Terms, internal guidelines and German Law as criteria for deciding the outcome for each complaint. As a company headquartered in Germany, German Law was used as a foundation for many aspects of our Terms. As such, content removals based on Terms violations have, in many cases, also vicariously been performed due to German Criminal Code violations. However, as a means of review our teams would perform their reviews utilizing resources in the following order:

1. Our Terms (Terms of Use & Community Guidelines) / Internal Guidelines
2. German Criminal Code/Deutsches Strafgesetzbuch, 'StGB'

In no instances have we found our own Terms to provide stricter guidelines in content enforcement than the German Criminal Code. As such, during the review of content our own guidelines would only take precedent in a procedural manner, it would not affect the outcomes compared to decisions based on German Criminal Code.

Where our third party content moderators are unable to come to a decision on a piece of reported content, there is a clear and simple escalation process within our CRM tool. Escalations

are routed to our internal teams for additional review prior to a final outcome being decided.

Reports of unlawful content received from other sources, such as law enforcement authorities, are routed in our CRM tool directly to the internal Trust and Safety team to be prioritized and reviewed.

Complaints are reviewed within 24 hours of submission. Where reported content is found to be clearly unlawful or violating the process for removal is enacted immediately. However, in some cases a complete and comprehensive review is not possible within a 24 hour period. For example, an account featuring multiple longform pieces of audio content i.e. Podcasts. In these instances, efforts are made to ensure that content is reviewed as quickly as possible, such as distributing content across multiple agents within the team. In all cases, decisions on content removal are made within one week of submission (with very occasional exceptions, such as in instances where outside counsel is sought).

Following the aforementioned review process, any content found to be in violation will be removed and the uploader of the content will be notified via email, issued via our CRM tool. All warnings issued will clearly state which section of our Terms of Use has been violated by the content in question. Likewise, the complainant will be informed of the outcome and the reasoning behind this via email. All communication to both parties is issued simultaneously when the violating content is removed.

Where an account is deemed to be dedicated to uploading illegal or violating content will be permanently suspended and the account owner notified of this via email on removal. We consider an account to be dedicated to this type of content if it can be clearly identified as solely existing to provide a platform for this specific type of content.

At the point of suspension, the email address used to create the account is blocked, preventing further accounts being created using the same email address.

All accounts affected by the removal of content have the right to reply and appeal. Any requests to reconsider an initial decision will be routed directly to our internal Trust and Safety Team. As most content removal is carried out by our third party content moderators, this process ensures that appeals are reviewed in an impartial manner. Appeals will be escalated through the Business & Legal Affairs Team (“BALA”) representative where necessary. More information on the appeals process is listed in the below section; “Appeals”.

Where reports are received and the content is found not to be in violation, we respond to the complainant via email in our CRM tool to explain the reason for not removing the content as soon as the review has been completed.

4. Complaint volumes

Number of complaints about illegal content received in the reporting period, broken down into complaints from complaint bodies and complaints from users and by the reason for the complaint.

4a. Complaint volumes by reporter type

The following section displays the number of reports received that explicitly refer to the NetzDG and any identified German complainant reporting illegal content through any report means, broken down by various factors to clearly detail the varying types of reports received. As consultation with external bodies is not currently integrated within our complaints handling process, and no external bodies were utilized to this end during the period reflected in this report, as such figures regarding this have not been included.

Total Complaints from German Users and Complaints Bodies:

Total Complaints from German Users and Complaints Bodies		
Month	User Complaints	Complaints Bodies
July	18	0
August	16	0
September	40	0
October	51	1
November	10	0
December	25	0
Total	160	1

Out of the total number of complaints 114 were received via our NetzDG reporting forms and 47 were received via other, not explicitly NetzDG related reporting forms.

4b. Complaints by criminal code provision

The number of the received complaints, broken down according to whether they were submitted by complaints bodies or by users, and according to the reason for the complaint:

Reported By Month		Reason for Complaint					
		§ 86 StGB - Dissemination of propaganda material of unconstitutional organizations		§ 86a StGB - Using symbols of unconstitutional organizations		§ 89a StGB - Preparation of a serious violent offense endangering the state	
		User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
July		11	0	7	0	0	0
August		7	0	5	0	0	0
September		18	0	18	0	0	0
October		40	0	8	1	0	0
November		7	0	3	0	0	0
December		14	0	10	0	0	0
	Total	97	0	51	1	0	0

Reported By Month		Reason for Complaint					
		§ 91 StGB - Encouraging the commission of a serious violent offense endangering the state		§ 100a StGB - Treasonous forgery		§ 111 StGB - Public incitement to crime	
		User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
July		0	0	0	0	0	0
August		0	0	0	0	0	0
September		0	0	0	0	0	0
October		0	0	0	0	0	0
November		0	0	0	0	0	0
December		0	0	0	0	0	0
	Total	0	0	0	0	0	0

Reported By Month		Reason for Complaint					
		§ 126 StGB - Breach of the public peace by threatening to commit offenses		§ 129 StGB - Forming criminal organizations		§ 129a StGB - Forming terrorist organizations	
		User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
July		0	0	0	0	0	0
August		0	0	0	0	0	0
September		0	0	0	0	0	0
October		0	0	0	0	0	0
November		0	0	0	0	0	0
December		0	0	0	0	0	0
	Total	0	0	0	0	0	0

Reported By Month		Reason for Complaint					
		§ 129b StGB - Forming criminal and/or terrorist organizations abroad; extended confiscation and deprivation		§ 130 StGB - Incitement to hatred		§ 131 StGB - Dissemination of depictions of violence	
		User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
July		0	0	0	0	0	0
August		0	0	4	0	0	0
September		0	0	4	0	0	0
October		0	0	3	0	0	0
November		0	0	0	0	0	0
December		0	0	1	0	0	0
	Total	0	0	12	0	0	0

Reported By Month		Reason for Complaint					
		§ 140 StGB - Rewarding and approving of offenses		§ 166 StGB - Defamation of religions, religious and ideological associations		§ 184b StGB - Distribution, acquisition and possession of child pornography content	
		User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
July		0	0	0	0	0	0
August		0	0	0	0	0	0
September		0	0	0	0	0	0
October		0	0	0	0	0	0
November		0	0	0	0	0	0
December		0	0	0	0	0	0
	Total	0	0	0	0	0	0

Reported By Month		Reason for Complaint					
		§§ 185 StGB - Insult		§§ 186 StGB - Defamation		§§ 187 StGB - Intentional defamation	
		User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
July		0	0	0	0	0	0
August		0	0	0	0	0	0
September		0	0	0	0	0	0
October		0	0	0	0	0	0
November		0	0	0	0	0	0
December		0	0	0	0	0	0
	Total	0	0	0	0	0	0

Reported By Month		Reason for Complaint					
		§ 189 StGB - Disparagement of the memory of the deceased (§ 189)		§ 201a StGB - Violation of intimate privacy or personality rights by taking photographs or other images		§ 241 StGB - Threatening the commission of a felony	
		User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
July		0	0	0	0	0	0
August		0	0	0	0	0	0
September		0	0	0	0	0	0
October		0	0	0	0	0	0
November		0	0	0	0	0	0
December		0	0	0	0	0	0
	Total	0	0	0	0	0	0

Reported By Month		Reason for Complaint	
		§ 269 StGB - Forgery of data intended to provide proof	
		User Complaint	Complaint Body
July		0	0
August		0	0
September		0	0
October		0	0
November		0	0
December		0	0
	Total	0	0

5. Organization, personnel resources, personnel expertise, training and support

Organization, staffing, technical and linguistic competence of the work units responsible for processing complaints and training and support of the persons responsible for processing complaints

5a. Organization

NetzDG Complaints are predominantly handled by the Trust & Safety Team (internal and third party moderators) with support provided by BALA.

5b. Personnel resources & personnel expertise

Trust & Safety Team (Internal)

At the time of publication the internal Trust & Safety Team consists of seven employees. This comprises the Director for Legal Operations (the organization that Trust & Safety sits within), Senior Trust & Safety Manager, Trust & Safety Manager, and four Trust and Safety Specialists. The team is predominantly based in our Berlin office, with the Senior Trust & Safety Manager, Trust & Safety Manager, and two Trust and Safety Specialists working here. A further two Trust & Safety Specialists are based in New York, allowing for greater timezone coverage.

The role of the internal team as it pertains to NetzDG Complaints is to both handle complaints and to act as a point of escalation for our third party team. Although complaints handled by the internal team are predominantly resolved by the specialists on the team, all members of the internal Trust and Safety Team participate in rigorous training (see “Training and Support” below) to enable the whole team to handle complaints as volumes dictate. NetzDG Complaints are only handled once training has been completed and any complaints handled within the first 3-6 months of a specialist's tenure are done so within a highly supervised environment. Those handling NetzDG Complaints are also responsible for other complaints and reports from users, law enforcement etc., with the prioritization of incoming NetzDG Complaints ensuring timely resolutions.

The expertise and backgrounds of those on the team are varied and diverse. The most recent addition to the Trust & Safety Team is a Trust & Safety Specialist with 2+ years experience in content moderation for numerous large social networks & user generated content platforms. In addition, all bar one team member has attained a university degree. The subjects studied include; Bachelor of Arts / International Relations, Masters / East European Studies, Bachelor of Creative Science / Audio Engineering, Bachelor of Arts / Psychology, Bachelor of Arts / Communication Sciences. Language expertise within the internal Trust and Safety team are similarly varied including native level English, Portuguese, Chinese/Mandarin, Chinese, Cantonese and proficiency in Spanish and French. German language expertise within this team is adequately

covered within the Berlin office with one fluent speaker, one C1 level speaker and one level B2 speaker.

- Director for Legal Operations
 - In role since September 2013
 - Education Level - University Degree
 - Part of the Business & Legal Affairs (BALA) Team reporting to Vice President Product Counsel (“VP”)
- Senior Trust & Safety Manager
 - In role since September 2014
 - Education Level - University Degree
 - Part of the BALA Team reporting to Director for Legal Ops
- Trust & Safety Manager
 - In role since September 2020
 - Education Level - University Degree
 - Part of the BALA Team, reporting to Director for Legal Ops
- Trust & Safety Specialist
 - In role since February 2021
 - Education Level - University Degree
 - Part of the BALA Team reporting to Senior Trust & Safety Manager
- Trust & Safety Specialist
 - In role since February 2021
 - Education Level - University Degree
 - Part of the BALA Team reporting to Senior Trust & Safety Manager
- Trust & Safety Specialist
 - In role since March 2021
 - Education Level - A Levels
 - Part of the BALA Team, reporting to Senior Trust & Safety Team Manager
- Trust & Safety Specialist
 - In role since April 2022
 - Education Level - University Degree
 - Part of the BALA Team, reporting to Senior Trust & Safety Team Manager

External Trust & Safety Team (Third Party)

At the time of publication we have a contracted a team of six third party moderators, these moderators are responsible for handling NetzDG Complaints in addition to user complaints of other Terms violations. They are supported by a designated Team Lead and a Quality Analyst within their organization.

The role of our third party team is to act as a first line of response and ensure prompt response times. As content reported in German language is on average only roughly 5% of total reports handled by the team, NetzDG Complaints form only a small amount of the workload of this team. The entire team has undergone the same rigorous training as the internal team prior to handling any complaints (see “Training and Support”).

The nature of outsourcing some tasks to an external partner means that a higher level of turnover in personnel is expected. For this reason, stating the exact expertise of this team is not possible, however, a rigorous recruitment process ensures that only those with the requisite skills and abilities are selected to work on the third party Trust & Safety Team. Although this team does not possess specific German language skills, there is a clear and simple line of escalation to the internal Trust and Safety Team where this causes difficulties in moderating content.

Legal

The Legal Team at SoundCloud provides a supporting role in the handling of NetzDG Complaints and acts as the highest point of escalation internally. The Vice President Product Counsel acts as a point of contact for The Trust & Safety team and is a native German speaking, fully qualified German lawyer.

5c. Training and support

Training

All employees on both our internal & third party Trust & Safety teams are taken through a thorough onboarding process of training in all topic areas applicable to German Criminal Code provisions for NetzDG. The onboarding training is usually provided to new team members by the Senior Trust and Safety Manager.

Onboarding sessions are predominantly covered as topic areas that apply to our Terms, with specific focus on areas where German Criminal Code violations may arise within these themes.

For example, a training module on hate speech provides guidance on how to identify content that should be removed for violating our Terms and guidelines around this theme, but also highlights that such content may be in breach of § 130 StGB. One exception is a specific training module designed to teach team members how to identify specific unconstitutional organizations and their associated propaganda materials.

The onboarding training also consists of a number of simulated scenarios, this aims to replicate real reports of content. This is in place to ensure sufficient comprehension can be gauged prior

to any live complaints being handled. The duration of the onboarding training ranges somewhere between 1-2 months.

Following the onboarding training, a new team member is supervised by a colleague whilst handling inbound complaints, a process referred to as shadowing. This shadowing period will vary in duration based on individual needs and usually ranges somewhere between 3-6 months

Only once a full training program and period of shadowing is complete, employees are enabled to handle complaints independently. The duration of the combined training and shadowing programs ranges somewhere between 4-8 months.

In addition to onboarding training, mandatory internal training is conducted on a regular basis. These include:

- Coaching with a fully qualified German lawyer: Covering new and upcoming regulations, discussions and learnings from real world events, understanding and retraining of escalations. These are carried out on a monthly basis.
- Training with designated third party organizations: Covering predominately terrorist organization (white supremacist and Islamic extremist) behavior, trends and specifics to their interactions with SoundCloud. These are carried out on a fortnightly basis.
- Training sessions with outside counsel: These are done to ensure optimized familiarity with NetzDG. The most recent of these took place with representatives from law firm Morrison & Foerster LLP on December 7th 2022. This training session orientated around understanding the requirements of NetzDG and interpreting applicable sections of German Criminal Code.

Support

The Trust & Safety Team receives linguistic support from the wider organization. At the time of publication linguistic support is available in 25 different languages from employees of 33 different nationalities. For additional support, the Trust & Safety Team has access to various other means of translation including translation tools and third party translators.

All Trust & Safety employees are entitled to free monthly mental health counseling sessions with our designated partner organization. Although all team members are encouraged to use this service, it is entered into on a voluntary basis. Owing to the small size of the team and giving full consideration to privacy, we are unable to give statistics around participation in this program.

Additionally, the team is entitled to annual learning and development funds for any additional elective training, as well as health and wellness benefits and flexible days off.

6. Industry associations

Membership in industry associations with an indication of whether there is a complaints office in these industry associations.

SoundCloud is currently a member of the following industry associations:

- [Tech Against Terrorism](#)
- [Bitcom](#)

At the time of publication, neither Tech Against Terrorism nor Bitcom has an internal complaints body.

7. External consultation

Number of complaints where an external body was consulted to prepare the decision.

At the time of publishing, SoundCloud is not consulting any external bodies prior to decisions being made when reviewing complaints.

8. Removal volumes

Number of complaints that led to the deletion or blocking of the content in question in the reporting period, by total number and broken down by complaints from complaints offices and users, by the reason for the complaint, whether a case of section 3 subsection (2) number (3) letter (a) existed, whether in this If it was forwarded to the user, which step of the sequence of checks according to number (3) led to the removal or blocking and whether a transfer to a recognized body of regulated self-regulation according to section 3 subsection (2) number (3) letter (b) took place.

Please note:

- Due to the nature of complaints received in the reporting window, we have not given the user the opportunity to comment prior to a decision in the sense of section 3 subsection (2) number (3) letter (a).
- We currently do not refer decisions regarding unlawfulness to external bodies (recognised self-regulation institutions) in the sense of section 3 subsection (2) number (3) letter (b).
- In this reporting period, no requests for removal were made with the requirement that content not be removed immediately.

The following table depicts the number of times content was removed following complaints submitted through both SoundClouds NetzDG complaint form and other relevant reporting options between July 1, 2022 and December 30, 2022.

This depicts the number of times a complaint led to the removal of content based on a Terms of Use violation, where a German Criminal Code violation was also found.

The numbers reflected in the tables below pertain to complaints submitted rather than unique pieces of content identified in the complaints.

Total Complaints Resulting in Removal of Content		
Month	User Complaints	Complaints Bodies
July	18	0
August	16	0
September	40	0
October	51	1
November	10	0
December	25	0
Total	160	1

The number of times content was removed following complaints submitted through both SoundClouds NetzDG complaint form and other relevant reporting options, broken down by German Criminal Code section between July 1, 2022 and December 30, 2022:

	Complaints Resulting in Removal of Content							
	Section of Criminal Code							
	§ 86 StGB		§ 86a StGB		§ 89a StGB		§ 91 StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
	97	0	51	1	0	0	0	0
Total	97		52		0		0	

	Complaints Resulting in Removal of Content							
	Section of Criminal Code							
	§ 100a StGB		§ 111 StGB		§ 126 StGB		§ 129 StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
	0	0	0	0	0	0	0	0
Total	0		0		0		0	

	Complaints Resulting in Removal of Content							
	Section of Criminal Code							
	§ 129a StGB		§ 129b StGB		§ 130 StGB		§ 131 StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
	0	0	0	0	12	0	0	0
Total	0		0		12		0	

	Complaints resulting in Removal of Content							
	Section of Criminal Code							
	§ 140 StGB		§ 166 StGB		§ 184b StGB		§§ 185 StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
	0	0	0	0	0	0	0	0
Total	0		0		0		0	

	Complaints resulting in Removal of Content							
	Section of Criminal Code							
	§ 186 StGB		§ 187 StGB		§ 189 StGB		§ 201a StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
	0	0	0	0	0	0	0	0
Total	0		0		0		0	

	Complaints resulting in Removal of Content			
	Section of Criminal Code			
	§ 241 StGB		§ 269 StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body
	0	0	0	0
Total	0		0	

9. Removal turnaround time

The number of complaints about illegal content that led to the removal or blocking of the illegal content within 24 hours, within 48 hours, within a week or at a later point in time, additionally broken down by complaints from complaints offices and from users as well as broken down according to the reason for the complaint.

The total number of complaints resulting in the removal of content, broken down according to who submitted the complaints, and into the periods “within 24 hours”/”within 48 hours”/”within a week”/”More than a week”:

Complaints resulting in Removal of Content					
Time taken for Deletion	Time taken for Deletion				
	Within 24 hours	Within 48 hours	Within 72 Hours	Within a Week	More than a Week
User Complaints	128	21	6	5	0
Complaint Body	1	0	0	0	0
Total	129	21	6	5	0

The time it took to delete the content, broken down according to who submitted the complaints, according to the reason for it, and into the periods “within 24 hours”/”within 48 hours”/”within a week”/”at some later point”:

Complaints resulting in Removal of Content								
Time taken for Deletion	Section of Criminal Code							
	§ 86 StGB		§ 86a StGB		§ 89a StGB		§ 91 StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
Within 24 hours	77	0	40	1	0	0	0	0
Within 48 hours	12	0	9	0	0	0	0	0
Within 72 Hours	6	0	0	0	0	0	0	0
Within a Week	2	0	2	0	0	0	0	0
More than a Week	0	0	0	0	0	0	0	0
Total	97		52		0		0	

Complaints resulting in Removal of Content								
Time taken for Deletion	Section of Criminal Code							
	§ 100a StGB		§ 111 StGB		§ 126 StGB		§ 129 StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
Within 24 hours	0	0	0	0	0	0	0	0
Within 48 hours	0	0	0	0	0	0	0	0
Within 72 Hours	0	0	0	0	0	0	0	0
Within a Week	0	0	0	0	0	0	0	0
More than a Week	0	0	0	0	0	0	0	0
Total	0		0		0		0	

Complaints resulting in Removal of Content								
Time taken for Deletion	Section of Criminal Code							
	§ 129a StGB		§ 129b StGB		§ 130 StGB		§ 131 StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
Within 24 hours	0	0	0	0	11	0	0	0
Within 48 hours	0	0	0	0	0	0	0	0
Within 72 Hours	0	0	0	0	0	0	0	0
Within a Week	0	0	0	0	1	0	0	0
More than a Week	0	0	0	0	0	0	0	0
Total	0		0		12		0	

Complaints resulting in Removal of Content								
Time taken for Deletion	Section of Criminal Code							
	§ 140 StGB		§ 166 StGB		§ 184b StGB		§ 185 StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
Within 24 hours	0	0	0	0	0	0	0	0
Within 48 hours	0	0	0	0	0	0	0	0
Within 72 Hours	0	0	0	0	0	0	0	0
Within a Week	0	0	0	0	0	0	0	0
More than a Week	0	0	0	0	0	0	0	0
Total	0		0		0		0	

Complaints resulting in Removal of Content								
Time taken for Deletion	Section of Criminal Code							
	§ 186 StGB		§ 187 StGB		§ 189 StGB		§ 201a StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
Within 24 hours	0	0	0	0	0	0	0	0
Within 48 hours	0	0	0	0	0	0	0	0
Within 72 Hours	0	0	0	0	0	0	0	0
Within a Week	0	0	0	0	0	0	0	0
More than a Week	0	0	0	0	0	0	0	0
Total	0		0		0		0	

Complaints resulting in Removal of Content				
Time taken for Deletion	Section of Criminal Code			
	§ 241 StGB		§ 269 StGB	
	User Complaint	Complaint Body	User Complaint	Complaint Body
Within 24 hours	0	0	0	0
Within 48 hours	0	0	0	0
Within 72 Hours	0	0	0	0
Within a Week	0	0	0	0
More than a Week	0	0	0	0
Total	0		0	

10. Correspondence

Measures to inform the complainant and the user for whom the content in question was stored about the decision on the complaint.

Following our review process, any content found to be in violation will be removed and the uploader of the content will be notified via email, issued via our CRM tool. All warnings issued will clearly state which section of our Terms of Use has been violated by the content in question. Likewise, the complainant will be informed of the outcome and the reasoning behind this via email. All communication to both parties is issued simultaneously when the violating content is removed.

Where an account is deemed to be dedicated to uploading illegal or violating content will be permanently suspended and the account owner notified of this via email on removal. We consider an account to be dedicated to this type of content if it can be clearly identified as solely existing to provide a platform for this specific type of content.

At the point of suspension, the email address used to create the account is blocked, preventing further accounts being created using the same email address.

All accounts affected by the removal of content have the right to reply and appeal. Any requests to reconsider an initial decision will be routed directly to our internal Trust and Safety Team. As most content removal is carried out by our third party content moderators, this process ensures that appeals are reviewed in an impartial manner. Appeals will be escalated through the Business & Legal Affairs Team (“BALA”) representative where necessary. More information on the appeals process is listed in the below section; “Appeals”.

Where reports are received and the content is found not to be in violation, we respond to the complainant via email in our CRM tool to explain the reason for not removing the content as soon as the review has been completed.

11. Appeals - Pursuant to section 3b subsection (1) sentence (2)

Number of counter-submissions received in the reporting period according to section 3b subsection (1) sentence (2), according to the total number and broken down into counter-submissions from complainants and from users for whom the objectionable content was stored, each with information on how many cases the counter-submission was remedied.

When we take decisions on the removal of content following a complaint about unlawful content, we offer the ability to appeal. This applies both in the case of a user reporting content found on SoundCloud (reporter), as well as a user whose content has been removed (uploader).

In the case of a user wishing to appeal a decision taken by the Trust & Safety Team, they are instructed to simply reply to the email notification informing them of the original decision. Once an appeal has been received, this is automatically triaged into a separate view in our CRM tool. This ensures that all appeals can be distributed to members of the team that did not originally participate in the initial decision. In this way, a new decision is being made on the content in question.

Some technical limitations mean that we are currently unable to restore comments or images after removal (in the case of specific images being removed independent of the associated profile or track etc.). As such, although we will take appeals into consideration in these instances, we are currently unable to remedy our initial decision in full. In these instances, where we have found an incorrect decision of removal to have been made, we would permit the re-uploading of an image or replacement of a comment.

There is no limited timeframe in which an appeal will be considered by the Trust and Safety Team. However, only those fitting within the legislated two week period following initial notification from SoundCloud will be included in this report.

In usual circumstances, only one piece of content is reported per complaint, resulting in one piece of content being subject to each appeal.

However, reporters are able to include multiple pieces of content in a single complaint. In these cases, the reporter can only appeal the decision we took on all pieces of content within a single complaint. This will be recorded as one incoming appeal. If we remedy our initial decision on all or only some of the reported content, this will be recorded as one remedied appeal.

The following table shows the number of appeals received regarding reports of content that were either reported to us or removed on grounds that are violative of Criminal Code provisions in

NetzDG, as well as in how many cases the appeal was remedied. The timeframe depicted is between July 1, 2022 and December 31, 2022.

NetzDG Appeals by Applicant:

		Appeals	
		Number of incoming Appeals	Number of Appeals Remedied
Appeals by reporter		1	1
Appeals by uploader		1	0
	Total	2	1

12. Appeals - Pursuant to section 3b subsection (3) sentence (1)

Number of counter-submissions received in the reporting period according to Section 3b subsection (3) Sentence (1), each with information on how many cases a review according to Section 3b subsection (3) Clause 3 was waived and in how many cases the counter-submission was remedied.

Users who report content other than through a complaint form, where that content has not been removed in response, as well as users whose content is removed as a consequence of such a report, are also able to appeal the decisions taken in such instances.

However, in this reporting period no such applicable appeals were received and therefore no relevant numbers are displayed in this section for the period July - December 2022.

13. Support and access for scientific and research communities

Information on whether and to what extent circles of science and research were granted access to information from the provider in the reporting period in order to enable them to carry out an anonymous evaluation and to what extent.

Whilst we believe that collaboration with scientific and research communities will improve industry wide abilities in detecting and preventing the proliferation of harmful content online, at this point in time we are not proactively engaged with any groups within scientific and research communities.

As our current content moderation methods do not rely on artificial intelligence, there is no open access that we could provide to any such code relating to our processes in this respect. Additionally, there have been no inquiries from scientific or research institutions looking to understand our processes and reporting numbers.

SoundCloud is endeavoring to become more transparent in our processes and is currently engaged with organizations to develop comprehensive transparency reports available to wider audiences.

14. Protection measures

Other measures taken by the provider to protect and support those affected by illegal content.

Soundcloud cooperates closely with law enforcement in efforts to remove violative content from the platform where requested.

At Soundcloud, we also work closely with an organization called Tech Against Terrorism. This allows us to ensure that we are remaining up to date with the types of content being produced by extremist groups and their strategies for sharing this. This allows us to understand where we should be focusing our efforts as it pertains to the potential for terrorist and extremist content to exist on the SoundCloud platform.

In addition to this, we have also been proactively engaged with a number of NGOs, particularly in spaces dealing with Hate Speech and Neo-Nazism. This results in us forging good working relations with experts in these fields. Allowing us to remain attentive to their concerns.

Within our own organization we have a number of diversity Resource Groups (DRGs) that provide resources and support to communities such as LGBTQ+, women and people of color, who are so often the targets of violative content online.

15. Summary of complaints and appeals

A summary with a summary table contrasting the total number of complaints received about unlawful content, the percentage of content removed or blocked as a result of these complaints, the number of appeals pursuant to section 3b subsection (1) sentence (2) and pursuant to section 3b subsection (3) sentence (1) and in each case the percentage of decisions modified as a result of these appeals with the corresponding figures for the two previous reporting periods, together with an explanation of significant differences and their possible reasons.

Number of Complaints, Appeals and Respective Outcome :

		July to December 2022		January to June 2022		July to December 2021	
		User Complaint	Complaint Body	User Complaint	Complaint Body	User Complaint	Complaint Body
Complaints	Number	160	1	204	6	166	0
	Complaints with Removals/Blockings	100%	100%	100%	100%	100%	N/A
Appeals pursuant to section 3b subsection (1) sentence (2) NetzDG.	Number	2	0	1	0	2	0
	Appeals remedied as a result	50%	N/A	0%	N/A	0%	N/A

Summary analysis

Over the past three reporting periods, the number of complaints received has remained low and fairly constant. However, a decrease of 21.5% between the most recent and preceding period shows some level of variance. This decrease in complaints could be due to reduced prominence of this content on the platform.

There is also a notable reduction in complaints received from Compliant Bodies compared to the last reporting period, reducing from six to one. The previous higher number was the result of direct engagements with the BKA.

The removal rate for complaints has remained at 100% over the last three reporting periods. This is due to the overall low number of reports received and the accuracy of these reports. It is possible that reporting configurations influence the number and accuracy of reports.

Accordingly, the number of appeals is very low and has remained as such across the last three reporting periods. It is worth noting that overall appeals are higher than depicted here, but total appeals pursuant to section 3b subsection (1) sentence (2) remain consistently low.

16. Terms and conditions

Explanation of the provisions in the General Terms and Conditions of the Provider on the permissibility of distributing content on the social network, which the Provider uses for contracts with consumers.

In the following, we will provide an overview of the sections of the SoundCloud Terms of Use and Community Guidelines that pertain to the distribution of content on the SoundCloud platform.

Although our Terms of Use, Community Guidelines are updated occasionally, this report is based on the Terms of Use that were in effect at the end of the relevant reporting period (July to December 2022).

However, in regards to sections that cover distribution of content, no material changes have been made in the meantime.

16a. Terms of Use

Section VIII of the SoundCloud Terms of Use details prohibited actions regarding making content available on the platform:

“(viii) You must not use the Platform to upload, post, store, transmit, display, copy, distribute, promote, make available, continue to make available or otherwise communicate to the public:

- * any Content that is abusive, libelous, defamatory, pornographic or obscene, that promotes or incites violence, terrorism, illegal acts, or hatred on the grounds of race, ethnicity, cultural identity, religious belief, disability, gender, identity or sexual orientation, or is otherwise objectionable in SoundCloud’s reasonable discretion;

- * any information, Content or other material that violates, plagiarizes, misappropriates or infringes the rights of third parties including, without limitation, copyright, trademark rights, rights of privacy or publicity, confidential information or any other right; or

- * any Content that violates, breaches or is contrary to any law, rule, regulation, court order or is otherwise is illegal or unlawful in SoundCloud’s reasonable opinion;

- * any material of any kind that contains any virus, Trojan horse, spyware, adware, malware, bot, time bomb, worm, or other harmful or malicious component, which or might overburden, impair or disrupt the Platform

or servers or networks forming part of, or connected to, the Platform, or which does or might restrict or inhibit any other user's use and enjoyment of the Platform; or

* any unsolicited or unauthorized advertising, promotional messages, spam or any other form of solicitation.

(ix) You must not commit or engage in, or encourage, induce, solicit or promote, any conduct that would constitute a criminal offense, give rise to civil liability or otherwise violate any law or regulation.”

16b. Community Guidelines

The SoundCloud Community Guidelines aim to provide more context around our Terms of Use, which is the fundamental source for our decision making process.

Within the Community Guidelines the following sections are relevant to the content covered in this report:

Enforcement guidelines

- This section of the Community Guidelines aims to provide further context around the manner in which decisions are reached when reporting content for Terms of Use violations.

Criticism & Abuse

- These two sections aim to make the distinction between criticism and abuse on SoundCloud clear. Further detailed examples are provided to illustrate what is considered acceptable behavior on SoundCloud.

Harassment

- Within this section an explanation of what would often constitute harassment is provided and include examples of behaviors that could see a profile reasonably reported for harassment on SoundCloud.

Pornographic Content

- This section highlights that no pornographic content on SoundCloud is permitted and provides examples in order to help clarify how the pornographic nature of content would be decided

Violence and threatening behavior

- This section highlights behaviors which are unacceptable on SoundCloud as it pertains to depictions and glorification of violence, including examples to deepen understanding.

Hate speech

- The Hate Speech section of our community guidelines aims to clarify what constitutes hate Speech as per our Terms of Use. It also highlights that content related to criminal or terrorist groups is considered illegal content on SoundCloud.

Reporting violations

- This section provides information on the reporting process.

Termination of accounts

- This section aims to clarify under what circumstances an account can be terminated for Terms of Use violations.

17. Legal compliance of terms and conditions

Description of the extent to which the agreement of the provisions according to number 16 is consistent with the requirements of Sections 307 to 309 of the German Civil Code and other law.

As a company based in Germany, the terms of use were based on the German penal code. The terms of use do not deviate from the legal requirements in this respect .

The terms of use are legal and effective, they stand up to a content check in accordance with §§ 307 to 309 BGB and in particular do not violate the freedom of expression of the users according to Art. 5 Para. 1 Basic Law.

SoundCloud has a legitimate interest in regulating content requirements on the platform. SoundCloud may prohibit and regulate certain behaviors that are permitted on the platform. The average user can easily read from the terms of use which behavior is permitted and which behavior is not permitted. The enforcement of the terms of use and the consequences of a violation for the user are explained in detail there. Finally, the terms of use are regularly checked for compliance with legal provisions and updated where necessary.